UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,985	11/12/2001	Gene E. Nacey	2556/006	9262

23861   7590   02/19/2010

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ART UNIT	PAPER NUMBER
2173	

MAIL DATE	DELIVERY MODE
02/19/2010	PAPER

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/005,985
Filing Date: November 12, 2001
Appellant(s): NACEY, GENE E.

Barry I. Friedman (Reg. No. 33,695)
<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1-18-2010 appealing from the Office action

mailed 8-17-2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,994,908	Kuban et al.	2-1991
5,331,549	Crawford, Jr.	7-1994
6,633,900	Khalessi et al.	10-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kuban et al., Patent #4,994,908, hereinafter Kuban, Crawford, Jr., Patent #5,331,549,

hereinafter Crawford, and Khalessi et al., Patent Number: 6,633,900, hereinafter

Khalessi.

With regard to claim 1, which teaches an apparatus for the graphical display of

room information, the apparatus comprising, a display and an arrangement for

producing a cell for being viewed on the display, the cell conveying information

regarding a room/patient, Kuban teaches, in column 4, lines 30-61 and in figure 3, the

display comprising cells where the cells display information regarding the current status

of a room. Kuban further teaches, in column 13, lines 5-55 and in figure 3-5, cells under

"CURRENT STATUS" that contain a plurality of modifiable attributes, namely the user

can make the selected status either "Occupied" or "Vacant" and also either "Clean" or

"Dirty", these updated statuses are then displayed in the tabular display in the same

cell. These statuses are initially set to preset "historical room status" values before the

user begins modifying (see column 13, lines 56-67). A user may set a room to be status

"ready/occupied" (or any other attribute/value) which may have not been previously

used by the apparatus (such is the case in figure 4). Rooms can have status changes

adding additional status information such as a room previously defined to be "Dirty" can

be further defined to be "Dirty/Occupied" or "Dirty/Vacant". Crawford teaches a system

for monitoring remote systems (see abstract), similar to that of Kuban, but further

teaches simultaneously displaying patient status information and room status

information in a common cell (see column 6, lines 3-27 and figures 3 and 4). Crawford's

initial screen displays a plurality of rooms available for selection for closer view and

modification (see column 5, line 46 through column 6, line 34 and figures 3 and 4), and

the zoom-in screen that calls up details for a particular room, where the user is able to

modify attributes (alter the vital sign limits, signs monitored, patient status, etc.) and

view other preset attributes (room number, data, time, measured values, etc.) (see

column 6, lines 34-59 and figures 3 and 4). In each display of Crawford (floor or in

room) a user can see patient (occupant) status information such as vital signs and color

coded alert conditions (GREEN for normal; YELLOW for warning; and RED for critical),

and also see room status information such as connection of the system to a rooms vital

sign sensors (PURPLE used to indicate a disconnect). Also, room status is shown via a

position relative to other rooms on the floor and the particular floor the room located on

(see column 5, lines 18-25 and in figure 3). Crawford further teaches user-definable

attributes (selected via window [72] for display) and pre-set attributes (such as default

vital signs displayed before user selection of window [72]); and further teaches user-

definable attribute values (see the customizable vital sign limits of column 8, lines 29-

40), which may be pre-set attribute values (see the default vital sign limits of column 8,

lines 26-29) (see column 8, lines 22-45, column 9, lines 20-27, and figure 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuban and Crawford before him at the time the invention was made to modify the tabular room status display system of Kuban to include simultaneous display of patient (occupant) status as well as room status, as did Crawford. One would have been motivated to make such a combination because this provides a more detailed view of room on the display, alerting a user to multiple dimensions of room alert data.

Khalessi teaches a system in which both human information and location information are conveyed (see column 10, lines 26-67 and in figure 11), but further teaches the combination of human status information and location status information within one cell (see column 10, lines 26-67 and in figure 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuban, Crawford, and Khalessi before him at the time the invention was made to modify the status displays of Kuban and Crawford to include the simultaneous displays of human status information and location status information within one cell, as did Khalessi. One would have been motivated to make such a combination because this allows a managing entity to see more information about both person and location all from within a common view.

With regard to claims 2 and 14, which teach an arrangement for producing a matrix for being displayed on the display, the matrix being adapted to depict the rooms for which information is conveyed, said arrangement for producing a cell comprising an arrangement for producing a plurality of cells in conjunction with said matrix, wherein each cell corresponds to a different one of the rooms for which information is conveyed,

Kuban further teaches, in column 13, lines 5-55 and in figure 3, a matrix that is used for depicting the room information where the cells provide information for one or the plurality of rooms.

With regard to claims 3, 15, and 26, Kuban teach the system for conveying room information for a plurality of rooms to a remote location in a matrix form (see column 4, lines 30-61 and in figure 3). Kuban, however, doesn't specifically mention the cells being adapted to display secondary information associated with each attribute of the cell. Crawford teaches a system for monitoring remote systems (see abstract), similar to that of Kuban, but further teaches that upon selection additional information can be displayed for a specific element (see column 2, lines 44-47, column 6, lines 34-47, and figures 3 and 4). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuban and Crawford before him at the time the invention was made to modify the remote monitoring system of Kuban to include the focused information screen as did Crawford. One would have been motivated to make such a combination because this would allow for specific information (possibly a summery of room charges, or special services requested) regarding the selected room to be displayed to the people at the manager location.

With regard to claims 4, 16, and 28, which teach the secondary information being displayed solely to an authorized user of the apparatus, Kuban further teaches, in column 4, lines 45-61, the manager being able to view specific information, an the maid/inspector being able to see their own specific subset of information.

With regard to claims 5 and 17, which teach the cell being adapted to modify an attribute upon a prompt from an authorized user of the apparatus, Kuban further teaches, in column 3, lines 51-53, the system being capable of input (ex: changing to a cleaned status).

With regard to claims 6, 18, and 30, which teach the room being a hospital room, Kuban teaches, in column 5, lines 5-25, the communications or room status being used in a hotel/hospital environment.

With regard to claims 7, 19, and 31, which teach the room being a hotel room, Kuban teaches, in column 5, lines 5-25, the communications or room status being used in a hotel/hospital environment.

With regard to claims 8, 20, and 32, which teach the cell depicting a bed, Crawford further teaches, in column 2, lines 44-47 and figures 3 and 4, the display of bed information.

With regard to claims 9, 21, and 33, which teach the cell indicating if the room is unoccupied, Kuban teaches, in column 4, lines 30-39, the cell depicting either a occupied or vacant for the room.

With regard to claims 10, 22, and 34, which teach the cell indicating if the room is occupied, Kuban teaches, in column 4, lines 30-39, the cell depicting either a occupied or vacant for the room.

With regard to claims 11, 23, and 35, which teach the cell indicating whether the room is in a stat condition, Kuban teaches, in column 4, lines 46-51, the matrix displaying a need to be made up indication.

With regard to claims 12, 24, and 36, which teach the cell indicating whether a bed within the room is being made, column 4, lines 40-45, the system knowing that a room is in the process of being made up/inspected.

With regard to claim 13, which teaches an apparatus for the graphical display of room information, the apparatus comprising, a display and an arrangement for producing a cell for being viewed on the display, Kuban teaches, in column 4, lines 30-61 and in figure 3, the display comprising cells where the cells display information regarding the current status of a room/patient. With regard to claim 13, further teaching the cell having a plurality of modifiable attributes, and a controller for modifying the modifiable attributes, Kuban further teaches, in column 15, line 42 through column 16, line 2, the maid going through the process in which a worker enters their ID, and enters the room for processing, thereby changing the status of the room. Kuban further teaches, in column 13, lines 5-55 and in figure 3-5, cells under "CURRENT STATUS" that contain a plurality of modifiable attributes, namely the user can make the selected status either "Occupied" or "Vacant" and also either "Clean" or "Dirty", these updated statuses are then displayed in the tabular display in the same cell. These statuses are initially set to preset "historical room status" values before the user begins modifying (see column 13, lines 56-67). A user may set a room to be status "ready/occupied" (or any other attribute/value) which may have not been previously used by the apparatus (such is the case in figure 4). Rooms can have status changes adding additional status information such as a room previously defined to be "Dirty" can be further defined to be "Dirty/Occupied" or "Dirty/Vacant". Crawford teaches a system for monitoring remote

systems (see abstract), similar to that of Kuban, but further teaches simultaneously

displaying patient status information and room status information in a common cell (see

column 6, lines 3-27 and figures 3 and 4). Crawford's initial screen displays a plurality

of rooms available for selection for closer view and modification (see column 5, line 46

through column 6, line 34 and figures 3 and 4), and the zoom-in screen that calls up

details for a particular room, where the user is able to modify attributes (alter the vital

sign limits, signs monitored, patient status, etc.) and view other preset attributes (room

number, data, time, measured values, etc.) (see column 6, lines 34-59 and figures 3

and 4). In each display of Crawford (floor or in room) a user can see patient (occupant)

status information such as vital signs and color coded alert conditions (GREEN for

normal; YELLOW for warning; and RED for critical), and also see room status

information such as connection of the system to a rooms vital sign sensors (PURPLE

used to indicate a disconnect). Also, room status is shown via a position relative to

other rooms on the floor and the particular floor the room located on (see column 5,

lines 18-25 and in figure 3). Crawford further teaches user-definable attributes

(selected via window [72] for display) and pre-set attributes (such as default vital signs

displayed before user selection of window [72]); and further teaches user-definable

attribute values (see the customizable vital sign limits of column 8, lines 29-40), which

may be pre-set attribute values (see the default vital sign limits of column 8, lines 26-29)

(see column 8, lines 22-45, column 9, lines 20-27, and figure 6). It would have been

obvious to one of ordinary skill in the art, having the teachings of Kuban and Crawford

before him at the time the invention was made to modify the tabular room status display

system of Kuban to include simultaneous display of patient (occupant) status as well as

room status, as did Crawford. One would have been motivated to make such a

combination because this provides a more detailed view of room on the display, alerting

a user to multiple dimensions of room alert data.

Khalessi teaches a system in which both human information and location

information are conveyed (see column 10, lines 26-67 and in figure 11), but further

teaches the combination of human status information and location status information

within one cell (see column 10, lines 26-67 and in figure 11). It would have been

obvious to one of ordinary skill in the art, having the teachings of Kuban, Crawford, and

Khalessi before him at the time the invention was made to modify the status displays of

Kuban and Crawford to include the simultaneous displays of human status information

and location status information within one cell, as did Khalessi. One would have been

motivated to make such a combination because this allows a managing entity to see

more information about both person and location all from within a common view.

With regard to claim 25, which teaches a method of graphically displaying room

information, the method comprising, the displaying a matrix, Kuban teaches, in figure 3,

the display of a matrix of rooms with associated status information. With regard to claim

25, further teaching a display and an arrangement for producing a cell, in the matrix, for

being viewed on the display, Kuban teaches, in column 4, lines 30-61 and in figure 3,

the display comprising cells where the cells display information regarding the current

status of a room/patient. With regard to claim 25, further teaching the cell having a

plurality of modifiable attributes, and a controller for modifying the modifiable attributes,

Kuban further teaches, in column 15, line 42 through column 16, line 2, the maid going

through the process in which a worker enters their ID, and enters the room for

processing, thereby changing the status of the room. Kuban further teaches, in column

13, lines 5-55 and in figure 3-5, cells under "CURRENT STATUS" that contain a plurality

of modifiable attributes, namely the user can make the selected room status either

"Occupied" or "Vacant" and also either "Clean" or "Dirty", these updated statuses are

then displayed in the tabular display in the same cell. These room statuses are initially

set to preset "historical room status" values before the user begins modifying (see

column 13, lines 56-67). A user may set a room to be status "ready/occupied" (or any

other attribute/value) which may have not been previously used by the apparatus (such

is the case in figure 4). Rooms can have status changes adding additional status

information such as a room previously defined to be "Dirty" can be further defined to be

"Dirty/Occupied" or "Dirty/Vacant". Crawford teaches a system for monitoring remote

systems (see abstract), similar to that of Kuban, but further teaches simultaneously

displaying patient status information and room status information in a common cell (see

column 6, lines 3-27 and figures 3 and 4). Crawford's initial screen displays a plurality

of rooms available for selection for closer view and modification (see column 5, line 46

through column 6, line 34 and figures 3 and 4), and the zoom-in screen that calls up

details for a particular room, where the user is able to modify attributes (alter the vital

sign limits, signs monitored, patient status, etc.) and view other preset attributes (room

number, data, time, measured values, etc.) (see column 6, lines 34-59 and figures 3

and 4). In each display of Crawford (floor or in room) a user can see patient (occupant)

status information such as vital signs and color coded alert conditions (GREEN for normal; YELLOW for warning; and RED for critical), and also see room status information such as connection of the system to a rooms vital sign sensors (PURPLE used to indicate a disconnect). Also, room status is shown via a position relative to other rooms on the floor and the particular floor the room located on (see column 5, lines 18-25 and in figure 3). Crawford further teaches user-definable attributes (selected via window [72] for display) and pre-set attributes (such as default vital signs displayed before user selection of window [72]); and further teaches user-definable attribute values (see the customizable vital sign limits of column 8, lines 29-40), which may be pre-set attribute values (see the default vital sign limits of column 8, lines 26-29) (see column 8, lines 22-45, column 9, lines 20-27, and figure 6). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuban and Crawford before him at the time the invention was made to modify the tabular room status display system of Kuban to include simultaneous display of patient (occupant) status as well as room status, as did Crawford. One would have been motivated to make such a combination because this provides a more detailed view of room on the display, alerting a user to multiple dimensions of room alert data.

Khalessi teaches a system in which both human information and location information are conveyed (see column 10, lines 26-67 and in figure 11), but further teaches the combination of human status information and location status information within one cell (see column 10, lines 26-67 and in figure 11). It would have been obvious to one of ordinary skill in the art, having the teachings of Kuban, Crawford, and

Khalessi before him at the time the invention was made to modify the status displays of

Kuban and Crawford to include the simultaneous displays of human status information

and location status information within one cell, as did Khalessi. One would have been

motivated to make such a combination because this allows a managing entity to see

more information about both person and location all from within a common view.

With regard to claim 27, which teaches that the display of secondary I formation

is restricted, Kuban further teaches, in column 4, lines 51-61, additional information that

is only available to system managers upon sign-on.

With regard to claim 29, which teach authorization of a user being determined by

comparing a password provided by the user to a databank of passwords, Kuban further

teaches, in column 15, lines 42-61, the user entering an access code and ID to

implement the system.

With regard to claim 37, which teaches a program storage device readable by

machine, tangibly embodying a program of instructions executable by the machine to

perform method steps for the graphical display of room information, the method

comprising, the displaying a matrix, Kuban teaches, in figure 3, the display of a matrix of

rooms with associated status information. With regard to claim 37, further teaching a

display and an arrangement for producing a cell, in the matrix, Kuban teaches, in

column 4, lines 30-61 and in figure 3, the display comprising cells where the cells

display information regarding the current status of a room. With regard to claim 37,

further teaching the cell having a plurality of modifiable attributes, and a controller for

modifying the modifiable attributes, Kuban further teaches, in column 15, line 42 through

column 16, line 2, the maid going through the process in which a worker enters their ID,

and enters the room for processing, thereby changing the status of the room. Kuban

further teaches, in column 13, lines 5-55 and in figure 3-5, cells under "CURRENT

STATUS" that contain a plurality of modifiable attributes, namely the user can make the

selected status either "Occupied" or "Vacant" and also either "Clean" or "Dirty", these

updated statuses are then displayed in the tabular display in the same cell. These

statuses are initially set to preset "historical room status" values before the user begins

modifying (see column 13, lines 56-67). A user may set a room to be status

"ready/occupied" (or any other attribute/value) which may have not been previously

used by the apparatus (such is the case in figure 4). Rooms can have status changes

adding additional status information such as a room previously defined to be "Dirty" can

be further defined to be "Dirty/Occupied" or "Dirty/Vacant". Crawford teaches a system

for monitoring remote systems (see abstract), similar to that of Kuban, but further

teaches simultaneously displaying patient status information and room status

information in a common cell (see column 6, lines 3-27 and figures 3 and 4). Crawford's

initial screen displays a plurality of rooms available for selection for closer view and

modification (see column 5, line 46 through column 6, line 34 and figures 3 and 4), and

the zoom-in screen that calls up details for a particular room, where the user is able to

modify attributes (alter the vital sign limits, signs monitored, patient status, etc.) and

view other preset attributes (room number, data, time, measured values, etc.) (see

column 6, lines 34-59 and figures 3 and 4). In each display of Crawford (floor or in

room) a user can see patient (occupant) status information such as vital signs and color

coded alert conditions (GREEN for normal; YELLOW for warning; and RED for critical),

and also see room status information such as connection of the system to a rooms vital

sign sensors (PURPLE used to indicate a disconnect). Also, room status is shown via a

position relative to other rooms on the floor and the particular floor the room located on

(see column 5, lines 18-25 and in figure 3). Crawford further teaches user-definable

attributes (selected via window [72] for display) and pre-set attributes (such as default

vital signs displayed before user selection of window [72]); and further teaches user-

definable attribute values (see the customizable vital sign limits of column 8, lines 29-

40), which may be pre-set attribute values (see the default vital sign limits of column 8,

lines 26-29) (see column 8, lines 22-45, column 9, lines 20-27, and figure 6). It would

have been obvious to one of ordinary skill in the art, having the teachings of Kuban and

Crawford before him at the time the invention was made to modify the tabular room

status display system of Kuban to include simultaneous display of patient (occupant)

status as well as room status, as did Crawford. One would have been motivated to

make such a combination because this provides a more detailed view of room on the

display, alerting a user to multiple dimensions of room alert data.

Khalessi teaches a system in which both human information and location

information are conveyed (see column 10, lines 26-67 and in figure 11), but further

teaches the combination of human status information and location status information

within one cell (see column 10, lines 26-67 and in figure 11). It would have been

obvious to one of ordinary skill in the art, having the teachings of Kuban, Crawford, and

Khalessi before him at the time the invention was made to modify the status displays of

Kuban and Crawford to include the simultaneous displays of human status information

and location status information within one cell, as did Khalessi. One would have been

motivated to make such a combination because this allows a managing entity to see

more information about both person and location all from within a common view.

(10) Response to Argument

Claims 1-37:

With respect to the arguments directed at the independent claims including Claims

1-37 the Appellant's arguments are focused on the limitations regarding the

existence of simultaneous display of room status information and occupant status

information. More specifically, as stated from representative Claim 1, the limitation

argued is:

> "
>
> *simultaneously conveying room status information regarding said*
>
> *room and status information regarding any registered occupant of said*
>
> *room.*
>
> "

Since the interpretation of the limitation is the basis for the arguments, the

Examiner's interpretation is now given. The claim, as interpreted by the examiner,

pertains to a system in which a display simultaneously provides the user with a view of

both room specific information and occupant specific information. As stated in the

eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable

interpretation in light of the supporting disclosure. In re Morris, 127 F.3d

1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the

Examiner will now explain how the teachings of the Kuban, Crawford, and

Khalessi references are within the scope of these limitations.

Kuban teaches, in column 4, lines 30-61 and in figure 3, the display comprising

cells where the cells display information regarding the current status of a room. Kuban

further teaches, in column 13, lines 5-55 and in figure 3-5, cells under "CURRENT

STATUS" that contain a plurality of modifiable attributes, namely the user can make the

selected status either "Occupied" or "Vacant" (showing if a patient is currently in the

room or out of the room/discharged) and also either "Clean" or "Dirty" (showing specific

characteristics of the room itself), these updated statuses are then displayed in the

tabular display in the same cell. These statuses are initially set to preset "historical

room status" values before the user begins modifying (see column 13, lines 56-67). A

user may set a room to be status "ready/occupied" (or any other attribute/value) which

may have not been previously used by the apparatus (such is the case in figure 4).

Rooms can have status changes adding additional status information such as a room

previously defined to be "Dirty" can be further defined to be "Dirty/Occupied" or

"Dirty/Vacant".

Crawford teaches a system for monitoring remote systems (see abstract), similar

to that of Kuban, but further teaches simultaneously displaying patient status

information and room status information in a common cell (see column 6, lines 3-27 and

figures 3 and 4). Crawford's initial screen displays a plurality of rooms available for

selection for closer view and modification (see column 5, line 46 through column 6, line

34 and figures 3 and 4), and the zoom-in screen that calls up details for a particular

room, where the user is able to modify attributes (alter the vital sign limits, signs

monitored, patient status, etc.) and view other preset attributes (room number, data,

time, measured values, etc.) (see column 6, lines 34-59 and figures 3 and 4). In each

display of Crawford (floor or in room) a user can see patient (occupant) status

information such as vital signs and color coded alert conditions (GREEN for normal;

YELLOW for warning; and RED for critical), and also see room status information such

as connection of the system to a rooms vital sign sensors (PURPLE used to indicate a

disconnect). Also, room status is shown via a position relative to other rooms on the

floor and the particular floor the room located on (see column 5, lines 18-25 and in

figure 3). Crawford further teaches user-definable attributes (selected via window [72]

for display) and pre-set attributes (such as default vital signs displayed before user

selection of window [72]); and further teaches user-definable attribute values (see the

customizable vital sign limits of column 8, lines 29-40), which may be pre-set attribute

values (see the default vital sign limits of column 8, lines 26-29) (see column 8, lines 22-

45, column 9, lines 20-27, and figure 6). It would have been obvious to one of ordinary

skill in the art, having the teachings of Kuban and Crawford before him at the time the

invention was made to modify the tabular room status display system of Kuban to

include simultaneous display of patient (occupant) status as well as room status, as did

Crawford. One would have been motivated to make such a combination because this

provides a more detailed view of room on the display, alerting a user to multiple

dimensions of room alert data.

Khalessi teaches a system in which both human information and location

information are conveyed (see column 10, lines 26-67 and in figure 11), but

further teaches the combination of human status information and location status

information within one cell (see column 10, lines 26-67 and in figure 11). It would

have been obvious to one of ordinary skill in the art, having the teachings of

Kuban, Crawford, and Khalessi before him at the time the invention was made to

modify the status displays of Kuban and Crawford to include the simultaneous

displays of human status information and location status information within one

cell, as did Khalessi. One would have been motivated to make such a

combination because this allows a managing entity to see more information

about both person and location all from within a common view.

The examiner will now address the individual arguments and statements

made by Appellant.

From page 7 of the Appeal Brief, from the second paragraph, the
Appellant argues that "There is not teaching or suggestion in Kuban directed to
providing any additional status information relating to anything other than the
room itself".

The Examiner respectfully contends that Kuban teaches both types of
information. Yes, Kuban associates a patient with a particular room and therefor refers
to patient specific data as relating to a room, this is similar to how the Applicant's
specification creates the association between the room and the occupant. Specifically,
Kuban teaches, in column 13, lines 5-55 and in figure 3-5, the user being able to assign
characteristics to a room to make the selected status of patient occupancy to either
"Occupied" or "Vacant" (showing if a patient is currently in the room or out of the
room/discharged) and also the status of the room to either "Clean" or "Dirty" (showing
specific characteristics of the room itself), these updated statuses are then displayed in
the tabular display in the same cell.

From page 7 of the Appeal Brief, from the second paragraph, the
Appellant argues that "the Examiner concedes that Kuban fails to teach
simultaneous conveying room and occupant status information".

The Examiner respectfully contends that the Examiner has never conceded this
fact.

From page 8 of the Appeal Brief, from the first paragraph, the Appellant

argues that there is not teaching or suggestion in Cromford of integrating the

physiological information with any room status information.

The Examiner respectfully contends that Crawford's initial screen displays a

plurality of rooms available for selection for closer view and modification (see column 5,

line 46 through column 6, line 59 and figures 3 and 4), in each display of Crawford (floor

or in room) a user can see patient (occupant) status information such as vital signs and

color coded alert conditions (GREEN for normal; YELLOW for warning; and RED for

critical), and also see room status information such as connection of the system to a

rooms vital sign sensors (PURPLE used to indicate a disconnect or a not monitored

element) and location room status is shown via a position relative to other rooms on the

floor and the particular floor the room located on (see column 5, lines 18-25, column 8,

lines 1-20 and in figure 3). Where a showing of a disconnected piece of equipment

clearly gives no specific information about a patient but rather the rooms presence or

lack of a connection.

From page 11 of the Appeal Brief, from the first and second paragraphs,

the Appellant argues that Khalessi contains no teaching of an occupant of a room

or status of the occupant.

The Examiner respectfully contends that Khalessi was not relied upon for this

limitation but rather to show the state of the art, where it is known to show diverse types

of information on a common screen (as the applicant admits to on page 12, lines 10 and

11, showing Khalessi use of "all three types of information". Khalessi teaches a system

in which both human information and location information are conveyed (see column 10,

lines 26-67 and in figure 11), and further teaches the combination of human status

information (as type of service and status of completion is likened to alert status of a

patient) and location status information (which is likened to a users room information)

within one cell (see column 10, lines 26-67 and in figure 11).

In response to applicant's argument that the examiner's conclusion of

obviousness is based upon improper hindsight reasoning, it must be recognized that

any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was

within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a

reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA

1971).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Conferees:

/Dennis G. Bonshock/

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Primary Examiner 2173
February 2, 2010

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